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Docket No. 153-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: James Chyvan Moore and Ann Marie D'Amico

SERIAL NO.: 10/811,942

ART UNIT: 3711

FILED: March 30, 2004

EXAMINER: Benjamin H. Layno

FOR: Method of Dealing Blackjack Game with Discard Option

THE HONORABLE DIRECTOR OF THE  
UNITED STATES PATENT AND TRADEMARK OFFICE  
Mail Stop No Fee Amendment  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

AND CERTIFICATION UNDER 37 CFR § 1.97(e)(2)

In addition to the prior art that was disclosed in the Information Disclosure Statement filed with the above-identified patent application, applicants hereby disclose U.S. Patent No. 6,877,746, issued on April 12, 2005, to Jerry Herren and Joannie N. Herren, for a "BLACKJACK GAME".

No fee for filing this present Information Disclosure Statement is required under 37 CFR §§ 1.17(p) and 1.97(e)(2),

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because applicants, through their undersigned attorney, hereby state that no item of information contained herein was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained herein was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this information disclosure statement.

Some differences between U.S. Patent No. 6,877,746 ("Herren") and the present invention are as follows:

Herren permits the player to exchange one or both of their two starting cards by paying an exchange fee equal to fifty percent of their original bet. The player may (a) exchange one card only and choose to double down on his one remaining card, (b) he may exchange both cards, but not double down on his two-card hand, or (c) he may split the original two cards by placing an additional bet. The player may then exchange each card dealt to each separate card, paying a fifty percent fee for each. The present invention gives a player the option of placing a prepaid fee of twenty percent of the player's original bet. Placement of this fee enables the player to discard and draw at least one card to every starting hand of hard 16 or less with no fear of busting.

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Herren permits a player to double down if they exchange one card. But if a player exchanges two cards, he or she may not double down. If the players split both cards, they may exchange the first card dealt to each player by paying the fifty percent fee for each player. By contrast, the instant invention never charges more than the one prepaid fee of twenty percent. A player is never allowed to double down on one card, but is always allowed to double down on any two-card hand.

Herren permits the house to ultimately establish any desired house edge with subtle rule changes. The present invention has established rules that keep the house edge reasonably stable at 3.73% for one deck to 3.85% for two decks. General guidelines may be provided to help the player in discarding from the most stressful starting hands they receive: hard 16, 15, 14, 13 and 12, and to a lesser degree hard 7, 6, 5 and 4. Guidelines may also be provided to show the optimum use of the discard option for pairs of eights, sevens, sixes, threes and twos.

Herren claims to relieve the stress on players by providing a means to improve their starting hands of hard 16, 15, 14, 13 and 12, when the dealer has high cards of 7 or higher. Unfortunately for the player, only 25% of the above hands can regain their fee with the exchange option against the dealer's tens and aces. Another eight percent can regain their fee with the exchange option

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against the dealer's 9 or lower. This leaves two hands out of three, in the hard 16 to 12 category, losing extra money on the exchange fee. This category constitutes 25% of all hands received by the player, thus keeping players in a constant dilemma. By contrast, the present invention relieves the stress for all of these hands, by allowing the player to draw at least one card to all of these hands, with no fear of busting, for one prepaid twenty percent fee. The fee is prepaid to allow the player to freely choose to discard from any hand they choose, without duress.

Herren produces no extra house edge over a player using the optimum plays. Any extra house edge produced by Herren depends on player errors in exercising the exchange option. In fact, a player using the optimum strategy in Herren should have an overall advantage of about one or two percent, after allowing for the house advantage in the regular blackjack game. Casinos are unlikely to adopt a game in which the odds are against the house.

The main objective of the game in Herren seems a little unclear. It would seem to be a confusing game to play or deal. By contrast, the present invention will reduce the stress of playing the difficult hands mentioned above to an absolute minimum in order to create a much more relaxing and enjoyable game. The present invention creates a fun game that will be easily understood by both players and dealers. It allows general guidelines to help players

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play wisely and enables them to win up to 58% of all hand played. (With the twenty percent discard fee, the house will still have a four percent advantage overall, and still be able to pay three to two on players' blackjacks.) And the present invention lessens the player's dismay when the dealer receives a blackjack. (Players may discard from any two-card starting hand containing a ten or ace and draw for their own blackjack. If the player succeeds, he or she wins the hand.)

The following is a tentative analysis of the optimum play for the game disclosed in Herren:

A player should choose to pay a fifty percent fee to exchange one card only if this will increase his or her chance of winning by at least fifty percent. This will be the case for the worst starting hands of hard 16, 15, 14, 13, 12 and 17.

The best exchange hand is player's 10-6 versus dealer's 7. Hard 16 would average losing 41.5% against the 7. The lone 10 doubling down on the exchange draw would average winning 39.2%, or a total gain of 80.7% when paying the 50% fee. The net gain is 30.7% (i.e., a win of 30.7 bets per 100 plays) for this particular play.

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A summary of the positive plays is shown below:

<u>Exchange Hand</u>	<u>Player Gain</u>
10-6 vs. All dealer up cards	0.69%
10-5 vs. All up cards	0.68%
10-4 vs. Dealer 9 or less	0.44%
10-3 vs. 9 or less	0.42%
10-2 vs. 8 or less	0.38%
10-1 vs. All up cards except 10	<u>0.20%</u>
<i>Total Gain</i>	2.71%

Thus, the optimum play in Herren is as follows: Exchange the smaller card and always double down on a lone 10 against the dealer's 9 or less. Only use the exchange fee for the above listed starting hands, to gain a 2.71% edge against the house. Always follow the proper basic strategy on all other starting hands (including proper double downs, split hands and soft hands). Exchanging both cards is never prudent. There appear to be no rules in Herren to offset the above 2.71% player edge gained by optimum play of the exchange rule.

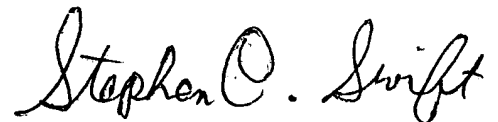
Herren seems to encourage casinos to increase their edge with subtle changes to underlying blackjack rules, such as paying six to five for blackjack (which averages an extra 1.93% advantage for the house). Even money for blackjacks creates an average 2.41% advantage for the house. If the average basic strategy advantage

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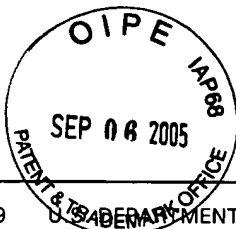
is 0.5%, then the house has an overall 2.93% advantage over the player. With optimum play of the exchange fee, the player can reduce the overall house edge to about 0.20%. Thus, when the player uses only optimum plays, Herren is a big detriment to the house advantage. It may be expected that the house can and often will make subtle changes that are not mentioned in Herren. Herren can only increase the house advantage when novice players badly misplay the exchange rule.

In Herren, if the player learns to only play the lone tens by exchanging the lower cards (2, 3, 4, 5, 6 and 7) they will have a winning edge at any blackjack game using the standard three to two payout for blackjack. The house will have to drastically reduce blackjack payouts just to break even, when it offers the exchange fee to knowledgeable players.

Respectfully submitted,



Stephen Christopher Swift  
Registration No. 37,740  
(703) 418-0000

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FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
153-2SERIAL NO.  
10/811,942INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

APPLICANTS  
James Chyvan Moore and Ann Marie D'AmicoFILING DATE  
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## U.S. PATENT DOCUMENTS

Examiner Initials	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE if appropriate
	6,877,746	4/2005	Herren et al.			

## FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation YES NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)


EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.